NOTIFICATION.

No. L D. 2097—Legis. 6-51-57, dated Bangalore, 19th February 1952.

Ordered that Notification No. 40/30/51-Judicial, dated 16th January 1952 of the Ministry of Home Affairs, issuing instructions regarding submission of memorials or petitions to the President of India praying for pardon, published in the *Gazette of India*, Part I, Section 1, dated the 26th January 1952, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 16th January 1952.

No. 40/30/51-Judicial.—The following instructions for the submission of memorials or petitions to the President of India praying for pardon are published for general information in supersession of all previous instructions on the subject. These instructions shall not apply to memorials or petitions submitted by, or on behalf of, convicts under sentence of death.

PART I.

Preliminary.

1. *Definitions.*—In these instructions :

(1) "State Government" means, in relation to any Part C State and the Andaman and Nicobar Islands, the Chief Commissioner.

(2) "Memorial" means a memorial praying for pardon, addressed to the President and includes petitions, letters and applications of the nature of memorials.

(3) "Petition" means a petition praying for pardon, addressed to the President and includes memorials, letters and applications of the nature of petitions.

(4) "Pardon" means the grant, to any offender convicted in the exercise of its criminal jurisdiction by any Court in India and sentenced to punishment other than death, of a pardon either free or on conditions ; and includes a respite, reprieve or remission of punishment.

PART II 379

Form and manner of submission of memorials and petitions.

2. *Form of memorial or petition* :

(1) A memorial or petition may be either in manuscript or in print.

(2) Every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner, or, when the memorialists or petitioners are numerous, by the signatures of one or more of them.

(3) Every memorial or petition, and the documents accompanying it, shall, if possible, be in English.

3. *Contents of memorial or petition.*—Every memorial or petition shall

(*a*) contain all material statements and arguments relied upon by the memorialist or petitioner ;

(*b*) be complete in itself ;

(*c*) be accompanied by copies of the judgments of the courts ; and

(*d*) end with a specific prayer.

4. *Method of submission.*—Every memorial or petition shall be submitted through the State Government concerned and shall be accompanied by a letter requesting the Chief Secretary to the State Government concerned to transmit the memorial or petition to the President.

PART III.

Withholding of memorials and petitions by the State Government.

5. *Circumstances in which memorials or petitions may be withheld by the State Government.*—The State Government may withhold a memorial or petition when—

(1) the memorialist or petitioner has not complied in full with the provisions of Part II of these instructions ;

(2) the memorial or petition is illegible or unintelligible, or contains language which is, in the opinion of the State Government, disloyal, disrespectful or improper ;

(3) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ; or

(4) the memorial or petition contains a prayer concerning a sentence or punishment (not being a sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

5. *Memorialist or petitioner to be informed when memorial or petition is withheld.*—When a memorial or petition is withheld under instruction 5, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

380

6. *List of memorials or petitions withheld.*—The State Government shall send a quarterly return to the Secretary to the Government of India in the Ministry of Home Affairs specifying the brief details of all memorials or petitions withheld under instruction 5 and the reasons for withholding them.

PART IV.

Transmission of memorials and petitions by State Governments.

7. *Procedure for transmission.*—The State Government shall transmit to the Secretary to Government of India in the Ministry of Home Affairs all memorials or petitions not withheld under instruction 5 together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorial or petition.

(2) Where the memorial, petition or any document accompanying them is not in English, the State Government shall, when transmitting it under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

H. V. R. IENGAR, *Secy.*

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